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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,695	01/02/2004	Samuel N. Zellner	030391 (BLL-0125)	4104
36192 7590 10/17/2007 CANTOR COLBURN LLP - BELLSOUTH 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			EXAMINER NGUYEN, NGA B	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 10/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/750,695	Applicant(s) ZELLNER ET AL.	
	Examiner Nga B. Nguyen	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the communication filed on January 2, 2004, which paper has been placed of record in the file.
2. Claims 1-20 are pending in this application.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 13-14 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter, particularly, an abstract idea.

The claims, as presently claimed and best understood were reconsidered in light of the "Examination Guidelines for Computer-Related Inventions" and were found to be non-statutory. Discussion of the analysis of the claims under the guidelines follows.

As to claims 13-14, the claimed invention is implemented as Functional Descriptive Material *Per Se*. "A database" is a Functional descriptive material.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and

Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works, and a compilation or mere arrangement of data.

Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)(discussing patentable weight of data structure limitations in the context of a statutory claim to a data structure stored on a computer readable medium that increases computer efficiency) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory)

Data structures not claimed as embodied in computer-readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional

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interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

In this case, "A database" recited in claims 13-14, is not embodied in any computer-readable media. Therefore, for the reason set forth above, claims 13-14 are non-statutory, because they are directed solely to Functional Descriptive Material *Per Se*.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Dunn et al (hereinafter Dunn), U.S. Patent No. 7,249,092.

Regarding to claim 1, Dunn discloses a method for providing control over transactions, comprising:

prompting a primary user to input financial notification data, said financial notification data operable for defining transaction controls associated with a secondary user (column 17, lines 55-60 and column 19, lines 40-60, a parent system 104 is configured to transmits a request to open a subsidiary card account and to receive an

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accounting, e.g., account activities, depletion of funds, account expiration, providing funds to the subsidiary account and establishing the spending capacity associated with the account);

receiving and storing said financial notification data (column 18, lines 25-45, financial institution database 116 storing individual subsidiary, subsidiary account);

receiving data relating to a financial transaction from a point of sale, said data associated with said secondary user (column 19, line 60-column 20, line 10, the subsidiary presents the subsidiary account information to the merchant POS device 112);

retrieving financial notification data related to said financial transaction (column 20, line 25-column 21, line 15, the financial institution server 114 receives the account information and matches the account information to its corresponding data location on financial institution database 116); and

sending a notification to said point of sale based upon said data relating to said financial transaction (column 21, lines 15-30, upon authorization, financial institution server 114 provides the transaction authorized message to the merchant system 112).

Regarding to claim 2, Dunn further discloses wherein said financial notification data specify conditions for performing at least one of: approving a request to execute said financial transaction; denying a request to execute said financial transaction; issuing a notification to said primary user in response to receiving a request to execute said financial transaction; confirming an identity of said secondary user before

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approving said financial transaction; and suspending future financial transaction activities of said secondary user (column 21, lines 15-30, approving a request to execute said financial transaction; upon authorization, financial institution server 114 provides the transaction authorized message to the merchant system 112).

Regarding to claim 3, Dunn further discloses wherein said financial notification data comprise a spending type, said spending type including at least one of: a type of transaction; a listing of items or services associated with said transaction; a type of merchant; a time of day; and a location type (column 27, line 40-column 28, line 10).

Regarding to claim 4, Dunn further discloses wherein said spending type further comprises a spending or usage limit (column 27, line 45, account usage limit).

Regarding to claim 5, Dunn further discloses wherein said notification is presented via at least one of: a point of sale terminal; a transaction receipt; a computer screen; a telephone; postal mail; a messaging application; and an online service (column 19, line 60-column 20, line 10, the subsidiary presents the subsidiary account information to the merchant POS device 112)

Regarding to claim 6, Dunn further discloses wherein said notification comprises at least one of: an account balance; an account shut-off; a denial of a request to execute said financial transaction; a request for an additional authorization code; and a request to check an identification of said secondary user (column 27, lines 45-50, if a purchaser or cash advance limits is exceed, a transaction is declined).

Claims 7-12 are written in means that parallel the limitations found in claims 1-6 above, therefore, are rejected by the same rationale.

Regarding to claims 13-14, Dunn discloses a database for providing control over transactions, said database storing financial notification data comprising: an account identification; a spending type including at least one of: a type of purchase; a type of merchant; a time of day; and a location type, and wherein said spending type further comprises a spending limit (column 18, lines 25-45, financial institution database 1.16 storing individual subsidiary, subsidiary account; column 27, line 40-column 28, line 10).

Claims 15-20 are written in computer storage medium that contains the same limitations found in claims 1-6 above, therefore, are rejected by the same rationale.

Conclusion

7. Claims **1-20** are rejected.
8. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure:

Fleming (US 5,953,710) discloses methods and credit or debit card systems are disclosed that allow the available credit to be determined by someone other than the card issuer and that allow a limit to be set on the number of expenditures that can be made.

Picciallo (US 6,044,360) discloses third party credit card.

Solokl et al. (US 6,173,269) disclose a method and apparatus is provided for executing electronic transactions with teens, especially where such transactions are limited only to those vendors that have been approved by the teen's parents.

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Cohen (US 6,422,462) discloses customized credit and debit cards for issuance by a person or main cardholder, the cards being limited to use in transactions at selected vendors only.

Ambani (US 7,117,173) discloses system and method for providing financial services to children and teenagers.

Tannenbaum (US 7,254,548) discloses a credit facility for controlling financial transactions is arranged with the ability of users to establish self-imposed limits on a category by category basis.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

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(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label

"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany
Street, Alexandria, VA, First Floor (Receptionist).


NGA NGUYEN
PRIMARY EXAMINER

October 10, 2007